

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Timothy Walker,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
Sterling Crane LLC, a Foreign Limited)	Case No.:
Liability Company; Matthew Smith,)	
)	
Defendants.)	

PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, as and for his Complaint herein, states and alleges as follows:

PARTIES

1. Plaintiff is a resident of the State of Minnesota.
2. Defendant Sterling Crane LLC is a Foreign Limited Liability Company organized under the laws of the State of Delaware and is a crane services company with its principal office in Thornton, Colorado; Sterling Crane LLC is licensed and registered to conduct business in North Dakota.
3. Matt Smith is a resident of the State of Nevada and is an employee of Sterling Crane LLC.

JURISDICTION AND VENUE

4. The Plaintiff is a citizen of the State of Minnesota. The Defendant Sterling Crane Company is a Delaware company with a principal office in Colorado. The defendant Matt Smith is a resident of Nevada. The incident that is the subject of this Complaint

occurred in the State of North Dakota. Jurisdiction is based on diversity of citizenship.

The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

FACTS

5. The incident that is the subject of this Complaint occurred on August 19, 2014 at approximately 4:00 PM at a construction site of an addition to Mercy Medical Center in Williston, North Dakota.
6. Plaintiff Timothy Walker was a structural steel worker employed by Danny's Construction Company Inc. of Savage, Minnesota to erect the steel superstructure for the addition to the Mercy Medical Center in Williston, North Dakota.
7. Defendant Matt Smith was a heavy equipment crane operator employed by Defendant Sterling Crane LLC to assist steel workers on the construction site with a 110 ton hydraulic crane truck; at all times material, Matt Smith was within the course and scope of his employment for Sterling Crane LLC.
8. Defendant Matt Smith lifted a four chime beam load up to Plaintiff Timothy Walker who began installation of the beams to the superstructure.
9. As Plaintiff Timothy Walker installed the third beam to the structure, Defendant Matt Smith lifted the last beam to near to the structure and it caught on a plate of a previously installed beam; Smith continued his attempt to lift the beam, the choker snapped, and the beam fell and struck Plaintiff Timothy Walker and knocked him off the structure.
10. Defendant Matt Smith operated the truck crane owned by Defendant Sterling Crane LLC in a negligent and careless manner causing the choker to snap and lose control of the beam that then struck Plaintiff Timothy Walker.

11. Defendant Sterling Crane is vicariously liable for the negligence and carelessness of its employee Matt Smith committed within the course and scope of his employment.
12. As a direct result of the carelessness and negligence of the Defendant Matt Smith as alleged, Plaintiff Timothy Walker sustained injuries to his mind and body, some of which injuries are permanent and have caused, and will in the future cause, Plaintiff to suffer mental and physical pain and suffering, mental distress, embarrassment, disfigurement, and disability; that Plaintiff incurred, and will in the future incur, medical expenses, the exact amount of which cannot be fully ascertained at this time; that Plaintiff has incurred a loss of earnings and a reduction in his earning capacity and has otherwise been damaged in a reasonable amount in excess of Seventy Five Thousand and no/100 (\$75,000.00) Dollars.
13. WHEREFORE, Plaintiff demands: judgment against the Defendants, and each of them, for a reasonable amount in excess of Seventy Five Thousand and no/100 Dollars (\$75,000.00), together with costs, disbursements, statutory prejudgment interest, and for further relief as this Court deems just and equitable.

MESHBESHER & SPENGE, LTD.

Dated: October 2, 2014

By: 

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